



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 3212-99

13 September 1999

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 September 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Marine Corps on 24 January 1993 for four years as a SGT (E-5). At the time of your reenlistment, you had completed nearly seven years of prior active service. The record reflects that you served without any disciplinary actions and extended your enlistment for an additional period of 23 months on 7 May 1996.

The record further reflects that you were awarded the Navy-Marine Corps Achievement Medal for professional achievement in the superior performance of your duties. On 24 December 1998 you were honorably discharged by reason of "Twice Failed Selection for Promotion to Staff Sergeant" and assigned an RE-1B reenlistment code.

An RE-1B reenlistment code means that you were recommended, eligible for and requested retention, but were denied retention by the Commandant of the Marine Corps (CMC). The Board noted that this code is assigned only by the CMC and to

corporals/sergeants with satisfactory performance records who are denied further service at the expiration of enlistment due to enlisted career force controls. Since you were assigned the most favorable reenlistment code authorized and were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in the assigned reenlistment code. The fact that you desire to join the National Guard does not provide a valid reason of changing a correctly assigned reenlistment code. This code may be waived by the National Guard or any branch of service if it determines you have the necessary qualifications. The Board concluded that the reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director